



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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Ruth Welch, Director
Colorado State Office
Bureau of Land Management
2850 Youngfield Street
Lakewood, CO 80215

Brian Hopkins
Planning & Environmental Coordinator
Colorado River Valley Field Office
2300 River Frontage Road
Silt, CO 81652

Re: Final Environmental Impact Statement for
the Colorado River Valley Field Office
Resource Management Plan,
CEQ # 20140100

Dear Ms. Welch and Mr. Hopkins:

The U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the February 2014 Final Environmental Impact Statement (EIS) prepared by the U.S. Department of Interior Bureau of Land Management (BLM) for the Colorado River Valley Field Office (CRVFO) Resource Management Plan (RMP). Our comments are provided for your consideration pursuant to our responsibilities and authority under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

Background

The CRVFO planning area consists of approximately 2.8 million acres of land in western Colorado and spans portions of Eagle, Garfield, Mesa, Pitkin and Routt Counties. The Draft EIS analyzed four alternatives for managing approximately 505,000 acres of BLM surface lands and 701,000 acres of federal mineral estate administered by the CRVFO.

The EPA's March 1, 2012 comments on the Draft EIS focused on water resources, wild and scenic rivers, air resources, and areas of critical concern. These comments have largely been addressed in the Final EIS through added and/or revised discussion in the following sections: Chapter 4, Environmental Consequences; Appendix B, Stipulations Applicable to Fluid Minerals Development, Surface Disturbing

Activities, Surface Use and Occupancy; Appendix G, Best Management Practices; Appendix L, Comprehensive Air Resources Protection Protocol (CARPP); and Appendix S, Implementation, Monitoring and Evaluation. Supplemental information also is provided in Appendix T, Changes from the Draft RMP/Draft EIS, and Appendix V, Response to Comments. With the expanded discussion and additional information, the Final EIS provides more thorough disclosure and mitigation of potential impacts to water resources and air resources.

The Final EIS identifies a modified Alternative B as the Proposed RMP (i.e., the Draft EIS Preferred Alternative B with modifications based on public comments). Of the approximately 701,000 BLM federal mineral acres in the planning area, the Proposed RMP identifies 603,100 acres open to fluid minerals leasing. Of this acreage, 45,900 acres considered high potential for the occurrence of oil and gas are subject to No Surface Occupancy (NSO) lease stipulations and 126,700 high potential acres are subject to Controlled Surface Use (CSU) lease stipulations.

We greatly appreciate that the Final EIS contains improved NSO lease stipulations that will reduce the potential for impacts to water resources from future oil and gas development. In addition, we note that the incorporation of the CARPP and its adaptive management approach for protecting air resources will bring the CRVFO's RMP under the purview of this statewide effort to assess and protect regional air quality. Our remaining comments and suggestions concerning protection of water resources and air resources are provided below.

Protection of Water Resources

NSO Lease Stipulations

The EPA appreciates the Proposed RMP's NSO lease stipulations for Municipal Watersheds and Public Water Supplies (CRVFO-NSO-3), Major River Corridors (CRVFO-NSO-4), and Perennial Streams, Water Bodies, Riparian Areas, and Aquatic Dependent Species (CRVFO-NSO-5). Note that we are not familiar with the term "primary zone of source water protection area," as used in CRVFO-NSO-3, and have not heard it used by the Colorado Department of Public Health and Environment (CDPHE) Source Water Protection Program (SWPP). Therefore, we recommend clarifying the term by seeking assistance from the CDPHE SWPP for their expertise and recommendations regarding source water protection areas in Colorado. Please contact the CDPHE SWPP Coordinator, John Duggan, at 303-692-3534.

CSU Lease Stipulations

The Proposed RMP includes a CSU lease stipulation for Municipal Watersheds and Public Water Supplies (CRVFO-CSU-2) to provide protection for the "secondary zone of a source water protection area." Again, we recommend working with the CDPHE SWPP to clarify terminology – specifically, "secondary zone of a source water protection area." In addition, the current wording of the CSU does not provide the details of what is meant by "apply CSU constraints." We recommend that the specifics of the CSU constraints be described, including requirements for closed loop drilling systems, lining of surface impoundment ponds (evaporation ponds or drilling pits) and subsequent decommissioning and

reclamation of the area with natural vegetation.

Protection of Air Resources

We note that the CARPP, BLM's statewide strategy to address air quality concerns, has been incorporated into the Final EIS in Appendix L. This strategy identifies a process for interagency collaboration, including adherence to the June 23, 2011 *Memorandum of Understanding Among the U.S. Department of Agriculture, U.S. Department of the Interior, and the U.S. Environmental Protection Agency, Regarding Air Quality Analyses and Mitigation for Federal Oil and Gas Decisions Through the NEPA Process* (Air Quality MOU). It describes actions the BLM will take to ensure adequate analysis and protection of air resources using an adaptive management approach based on monitoring and regular review and adjustment of management approaches. The CARPP also commits the BLM to support and participate in regional air quality modeling efforts, such as the Colorado Air Resources Management Modeling Study (CARMMS), in order to assess expected impacts on air quality from projected increases in oil and gas development across Colorado. The CARPP notes that the BLM may require project-specific air quality modeling, consistent with the Air Quality MOU. If a project-specific air quality analysis predicts future impacts to air quality, the BLM may require application of reasonable mitigation including but not limited to the best management practices and air emission reduction strategies for oil and gas development outlined in the CARPP.

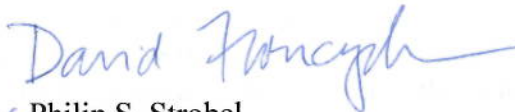
The adoption of this statewide approach occurred after completion of the CRVFO's air resources analysis presented in the Draft EIS (i.e., the CARPP is dated September 2013 while the revised CRVFO Air Resources Technical Support Document is dated August 2012). As a result, there may be some inconsistencies between the results of the modeling that was completed for the CRVFO RMP and the modeling that will be conducted through CARMMS and for future project-specific NEPA analyses that have the potential to significantly impact air quality or air quality related values (AQRVs). In particular, we note that the Draft EIS included several air quality management actions that were not carried through to the Final EIS based on input received through the public comment process. As a result, it is unclear whether these changes in management actions may have impacted the original assumptions and/or the modeling results of the CRVFO RMP air quality analysis. With this in mind, we have the following suggestions:

- We recommend expanding the discussion regarding air quality modeling assumptions in Chapter 4 of the Final RMP/EIS and/or including a discussion in the Record of Decision to explain the BLM's rationale for changing proposed air quality management actions/requirements and whether these changes would impact the air quality modeling results that were completed in August 2012.
- We recommend that Appendix L (CARPP), Section IV.D use the phrase "cause or contribute," rather than "cause or *significantly* contribute." This change would be consistent with the terminology of the Clean Air Act. Use of "significantly contribute" may introduce misunderstanding since we lack a definitive meaning for "significant" with respect to contribution to an exceedance.

Closing

We appreciate the opportunity to review this Final EIS. If we may provide further explanation of our comments, please contact me at 303-312-6704, or your staff may contact David Fronczak at 303-312-6096 or fronczak.david@epa.gov.

Sincerely,


for Philip S. Strobel

Acting Director, NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation